

Appln No. 10/816,396
Amdt date April 17, 2006
Reply to Office action of October 17, 2005

REMARKS/ARGUMENTS

Claims 1-4, 7, 11-15 and 17-22 now remain pending in this application, with claims 5, 6, 8-10, 16 and 23-30 withdrawn from consideration. Applicant has amended claim 1. Applicant has also amended claim 14 solely to correct minor, inadvertent typographical errors and has amended claim 3 and 4 to be consistent with the amendments to base claim 1. The amendments find full support in the original specification, claims and drawings. No new matter is presented. Accordingly, Applicant respectfully requests reconsideration and a timely indication of allowance.

In the Office action dated October 17, 2005, the Examiner requested affirmation of Applicant's previous election to prosecute the invention of Species I shown in FIGs. 1-8 and claimed in claims 1-5, 7-9, 11-15 and 17-22. Applicant hereby affirms that election. However, Applicant notes that claims 5, 8 and 9 are drawn to an unelected species, and has therefore also withdrawn these claims from consideration.

The Examiner objected to claim 13 requesting correction of certain typographical errors. However, as the errors noted by the Examiner appear in claim 14 and not claim 13, Applicant believes that the Examiner intended to object to claim 14. Based on this belief, Applicant has amended claim 14 in line with the Examiner's suggestions and therefore respectfully requests withdrawal of this objection.

Also, the Examiner rejected claim 5 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. However, as noted above, Applicant has withdrawn this claim, without prejudice, as well as claims 8 and 9, which depend from claim 5, from consideration. Applicant therefore respectfully requests withdrawal of this rejection.

In addition, the Examiner rejected claims 1-4, 7, 13, 17-20 and 22 under 35 U.S.C. § 102(b) as allegedly anticipated by Diederich, et al. (U.S. Patent No. 6,117,101). However, Applicant has amended independent claim 1 to recite "an expander attached at or near its distal end to distal ends of the tensile members, the expander being longitudinally moveable relative to the catheter body to expand and collapse the ablation assembly." Diederich neither teaches nor

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suggests such a configuration. The Examiner asserts that core 653 in Diederich is akin to the expander claimed in the present application. However, despite the Examiner's assertion to the contrary, the core 653 in Diederich is not longitudinally moveable relative to the catheter body to expand and collapse the ablation assembly, as recited in amended independent claim 1. In fact, the core 653 disclosed in Diederich is not used to expand or collapse the expandable cage. Rather, a sheath surrounds the proximal ends of the wires and the core, and it is the sheath which controls the expansion and collapse of the expandable cage. See Column 26, lines 38-44). The sheath is not attached at its distal end to the distal ends of the tensile members, as recited in claim 1. As noted above, the sheath surrounds only the proximal ends of the wires and the core. Accordingly, independent claim 1, as amended, and all claims dependent therefrom, including claims 2-4, 7, 11-15 and 17-22, are allowable over Diederich.

The Examiner also rejected claims 5, 8, 9, 11-12, 14 and 21 under 35 U.S.C. § 103(a) as allegedly obvious over Diederich in view of Webster, Jr. (U.S. Patent No. 5,772,590)("Webster '590"). In making this rejection, the Examiner appears to assert that it would have been obvious to one of ordinary skill in the art to replace the core of Diederich with the puller wire disclosed in Webster '590 for expanding and collapsing the basket assembly. Additionally, the Examiner appears to assert that such a substitution would arrive at the catheter claimed in the present invention. Applicant respectfully disagrees.

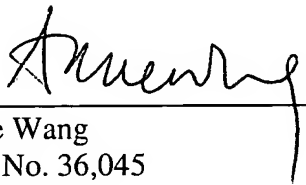
As noted above, the core in Diederich does not control the expansion and collapse of the expandable cage. Rather, a sheath surrounding the proximal end of the core controls the expansion and collapse of the cage. In contrast, the puller wire disclosed in Webster is used to control the expansion and collapse of the basket assembly. Replacement of the core of Diederich with the puller wire of Webster '590 would serve no purpose as the expansion and collapse of the cage of Diederich is already controlled by the sheath. As such, one of ordinary skill in the art would not be motivated to combine the teachings of Webster '590 with those of Diederich. Therefore, independent claim 1, and all claims dependent therefrom, including claims 2-4, 7, 11-15 and 17-22, are allowable over Diederich and Webster '590.

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Finally, the Examiner rejected claim 15 under 35 U.S.C. § 103(a) as allegedly obvious over Diederich in view of Webster '590 further in view of Edwards, et al. (U.S. Patent No. 5,471,982) and further in view of Webster, Jr. (U.S. Patent No. 6,183,463)("Webster '463"). However, neither Edwards nor Webster '463 remedy the deficiencies of Diederich and Webster '590. In particular, neither Edwards nor Webster teaches or suggests "an expander attached at or near its distal end to distal ends of the tensile members, the expander being longitudinally moveable relative to the catheter body to expand and collapse the ablation assembly," as recited in independent claim 1. Accordingly, independent claim 1, and all claims dependent therefrom, including claims including claims 2-4, 7, 11-15 and 17-22, are allowable over Diederich, Webster '590, Edwards and Webster '463.

In light of the above amendments and remarks, Applicant submits that all of pending claims 1-4, 7, 11-15 and 17-22 are in condition for allowance. Applicant therefore respectfully requests a timely indication of allowance. However, if there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact Applicant's counsel at the number below.

Respectfully submitted,
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